

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

OCT 10 2014

Clerk of Court

United States of America

v.

Mario Guadalupe SAENZ

U.S. Citizen

Year of Birth: 1987

Case No.

M-14-1930-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/09/2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 U.S.C. §§841(a)(1), 846

Offense Description

Attempted to Knowingly and intentionally possess with intent to distribute approximately 9.39 kilograms of cocaine, a Schedule II controlled substance

18 U.S.C. § 922(g)

Knowing possession of firearm by prohibited person

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.approved by
FUST for J.R.

R. Browning

Complainant's signature

Ryan Browning, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/10/2014

Dorina Ramos

Judge's signature

City and state: McAllen, Texas

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment A

The information in this affidavit is provided for the limited purpose of establishing probable cause. This information is not a complete statement of all the facts related to this case.

On October 9, 2014, Special Agents with Homeland Security Investigations, McAllen, Texas (HSI McAllen), the U.S. Department of Agriculture-Office of Inspector General, and Investigators from the City of McAllen Police Department conducted surveillance on Mario Guadalupe SAENZ. During the surveillance SAENZ was observed driving a white Dodge Ram bearing U.S. Government license plate A299273, registered to the U.S. Department of Agriculture.

Investigators witnessed SAENZ drive the USDA owned vehicle through an opening in the border fence, and retrieve a bag from the brush near the Rio Grande River in Hidalgo County, Texas. SAENZ used the USDA owned vehicle to transport the bag to a business parking lot in McAllen, Texas. SAENZ was detained in the parking lot, where it was discovered the bag contained approximately 9.39 kg of a suspected controlled substance, 1.1 kg of which tested positive for the properties of cocaine.

SAENZ met with investigators in an interview room located at the City of McAllen, Texas Police Department. SAENZ was read his Miranda rights from a preprinted form by HSI Special Agent Ryan Browning. SAENZ stated he understood his rights, waived his rights, and agreed to an interview. During the interview SAENZ stated he crosses the border fence to inspect orchards for work. SAENZ said today he picked up what he assumed was marijuana from the brush. SAENZ explained he opened the bag and believed it contained cocaine or heroin because of the size of the bundles. SAENZ said he was transporting the bag for \$100-\$200.

A federal search warrant was executed on SAENZ residence, where a .40 caliber semi-automatic handgun, two magazines, and ammunition were seized. SAENZ said the firearm belonged to him, and admitted to firing it at two local gun ranges. SAENZ is prohibited from possessing a firearm based on two previous felony convictions, and his current probation sentence. SAENZ said he understands he cannot possess a firearm, and temporarily stored the firearm at a relative's residence before transporting it back to his apartment for protection.